

AMENDED IN SENATE NOVEMBER 3, 2009

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AMENDED IN SENATE OCTOBER 29, 2009

CALIFORNIA LEGISLATURE—2009–10 FIFTH EXTRAORDINARY SESSION

SENATE BILL

No. 1

Introduced by Senators Romero, Huff, Alquist, and Wyland

August 27, 2009

An act to amend Sections 10601.5, 10804, 47602, and 60900 of, to add Section 47604.7 to, to add Article 10 (commencing with Section 48350) to Chapter 2 of Part 27 of Division 4 of Title 2 of, and to add Article 5 (commencing with Section 52065) to Chapter 6.1 of Part 28 of Division 4 of Title 2 of, the Education Code, relating to public schools, ~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1, as amended, Romero. Public schools.

(1) Existing law establishes the California Education Information System, which consists of the California Longitudinal Pupil Achievement Data System (CALPADS) and the California Longitudinal Teacher Integrated Data Education System (CALTIDES). Existing law prohibits data in CALTIDES from being used, either solely or in conjunction with data from CALPADS, for purposes of pay, promotion, sanction, or personnel evaluation of an individual teacher or groups of teachers, or any other employment decisions related to individual teachers.

This bill would delete this prohibition and instead would authorize data in the California Education Information System to be used for purposes of evaluating teachers and administrators and making

employment decisions relating to teachers, subject to specified provisions governing collective bargaining agreements. The bill additionally would require CALTIDES to include teacher performance data required under federal law. The bill would specify that data in the California Education Information System shall not be used in violation of federal and state laws that protect an individual's right to privacy or the confidentiality of personal information.

(2) Existing law requires the State Chief Information Officer to convene a working group representing specified entities to create a strategic plan to link education data systems and to accomplish specified objectives relating to the accessibility of education data. The State Chief Information Officer is required to deliver this strategic plan to the Legislature and the Governor no later than September 1, 2009.

This bill would require interagency agreements relating to education data to be included in the plan, and would change the date the plan is required to be delivered to the Legislature and the Governor to January 15, 2010, or the effective date of the bill, whichever is later. The bill would authorize this provision to be implemented using specified federal grant funds.

(3) The Charter Schools Act of 1992 authorizes any one or more persons to submit a petition to the governing board of a school district to establish a charter school that operates independently from the existing school district structure as a method of accomplishing specified goals. The act further limits the maximum number of charter schools authorized to operate in the state each year, as specified.

This bill, commencing with the 2009–10 school year, would delete the limitation on the number of charter schools authorized to operate in the state, and would make other conforming changes.

The bill would require the Superintendent of Public Instruction to convene a working group consisting of specified members to make findings and recommendations to the Legislature and the Governor on certain matters relating to charter schools, including the adequacy of existing processes for authorizing, renewing, revoking or not renewing charter schools, and the extent to which charter schools receive equitable funding compared to traditional public schools. The bill would require the working group to submit recommendations to the Assembly and Senate Committees on Education and the Governor on or before December 1, 2010.

(4) Existing law requires each person between the ages of 6 and 18 years not otherwise exempted to attend the public full-time day school

or continuation school or classes in the school district in which his or her parent or guardian is a resident. Existing law authorizes 2 school districts to enter into an agreement that allows pupils to transfer between the 2 districts.

This bill would enact the Open Enrollment Act to enable pupils residing in the state to attend public schools in school districts other than their school district of residence, as defined. The bill would authorize the parent or guardian of a pupil enrolled in a low-performing school, as defined, to submit an application for the pupil to attend a school in a school district of enrollment, as defined. The bill would authorize a school district of enrollment to adopt specific, written standards for acceptance and rejection of applications for enrollment, subject to specified conditions and a specified priority scheme for applicants. Within 60 days of receiving an application for enrollment, the bill would require a school district of enrollment to notify the applicant parent or guardian and the resident school district in writing whether the application has been accepted or rejected and, if an application is rejected, state in the notification the reasons for the rejection. The bill would require the State Board of Education to adopt emergency regulations to implement these provisions.

By requiring school districts to perform additional duties regarding the potential enrollment of nonresident pupils, this bill would impose a state-mandated local program.

(5) The Public Schools Accountability Act of 1999 requires the Superintendent, with approval of the state board, to develop the Academic Performance Index (API), consisting of a variety of indicators, to be used to measure the performance of schools. Existing law requires the Superintendent to develop, and the state board to adopt, expected annual percentage growth targets for all schools based on their API baseline score and prescribes a minimum percentage growth target of 5% annually. The act also establishes the Immediate Intervention/Underperforming Schools Program (IIUSP). Schools that score below the 50th percentile on certain achievement tests are invited to participate in the program and are provided program funding. Twenty-four months after receiving IIUSP funding, a school that fails to meet its growth targets each year, but demonstrates significant growth, as determined by the state board, continues to participate in the program for an additional year and to receive funding. If a school fails to meet its growth targets each year and does not demonstrate significant growth,

it is deemed a state-monitored school and the Superintendent is required to take specified actions with regard to the school.

Federal law, the federal Elementary and Secondary Education Act, requires that a school district provide certain notifications to parents and employees. Federal law also requires at least one alternative governance arrangement or major restructuring effort for any school that fails to make adequate yearly progress after one full school year of corrective action.

This bill would require the Superintendent to make recommendations to the state board, by February 1, 2010, or the effective date of the bill, whichever is later, regarding the criteria and conditions for identifying the lowest achieving 5% of the persistently lowest performing public schools, as specified. By April 1, 2010, or the effective date of the bill, whichever is later, the state board would be required to approve these criteria and conditions, with any necessary revisions. The bill would require the state board and the Superintendent, on or before June 1, 2010, or the effective date of the bill, whichever is later, and each year thereafter, to identify the lowest achieving 5% of the persistently lowest performing public schools in the state, subject to specified exceptions. The bill would require the Superintendent, within 30 days of making this determination, to ensure each employee and parent or guardian of a child enrolled or requesting to be enrolled in a school identified is provided with federally required notices containing specified information.

The bill would require the Superintendent and the state board to direct each identified school to take at least one of 3 specified alternative governance or restructuring actions required by federal law. The bill would provide for the Superintendent to recommend revocation and for the state board to hold a hearing on revocation within 90 days if the school is a charter school. The bill would require the State Department of Education to contract for an independent evaluation of the accountability measures established by this bill's provisions, and to submit this evaluation to the Chairpersons of the Joint Legislative Budget Committee, the Assembly Committee on Budget, the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Education, the Senate Committee on Education, the Governor, and the Director of Finance no later than March 1, 2015.

Because the bill would require schools identified as the lowest achieving 5% of the persistently lowest performing public schools in

the state to take specified actions, it would impose a state-mandated local program.

(6) Existing law requires the State Department of Education under CALPADS to contract for the development of proposals that will provide for the retention and analysis of longitudinal pupil achievement data. Existing law requires local educational agencies to retain individual pupil records for each test taker, including other data elements deemed necessary by the Superintendent, with approval of the state board, to comply with federal reporting requirements delineated in the federal No Child Left Behind Act of 2001.

This bill would require local educational agencies to also retain other data elements deemed necessary by the Superintendent, with the approval of the state board, to comply with programs implemented pursuant to the federal American Recovery and Reinvestment Act of 2009, subject to submission of an expenditure plan to the Department of Finance, as specified. The bill would authorize the University of California, the California State University, and the Chancellor of the California Community Colleges to obtain specified wage data on students in order to meet the requirements of the American Recovery and Reinvestment Act of 2009, to the extent permitted by federal law.

(7) This bill would require the Governor, the Superintendent of Public Instruction, and the State Board of Education, in collaboration with participating local educational agencies, as necessary, to develop a high-quality plan or plans to submit as part of a Phase 1 application for federal Race to the Top funds that includes specified elements that are consistent with the federal School Improvement Grant guidelines and the Race to the Top guidelines.

(8) This bill would require the Fiscal Crisis Management and Assistance Team, on or before April 1, 2010, or the effective date of the bill, whichever is later, to convene a task force for the purpose of developing a standardized process for reporting charter school financial and accounting data, and developing a standardized process for the provision of annual independent financial and compliance audits for charter schools. The task force would be required to submit recommendations to the Legislature on or before December 1, 2010, or the effective date of the bill, whichever is later.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~(10) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10601.5 of the Education Code is
2 amended to read:

3 10601.5. (a) The department, in collaboration with the
4 Commission on Teacher Credentialing, shall contract for the
5 development of a teacher data system to be known as the California
6 Longitudinal Teacher Integrated Data Education System that is
7 based on the results of the teacher data system feasibility study
8 conducted pursuant to Item 6110-001-0890 of Section 2.00 of the
9 Budget Act of 2005 (Chapter 38 of the Statutes of 2005). The
10 purpose of the California Longitudinal Teacher Integrated Data
11 Education System is to streamline processes, improve the efficiency
12 of data collection by the department, the Commission on Teacher
13 Credentialing, and the Employment Development Department,
14 and improve the quality of data collected from local educational
15 agencies and teacher preparation programs. The California
16 Longitudinal Teacher Integrated Data Education System shall be
17 developed and implemented in accordance with all state rules and
18 regulations governing information technology projects.

19 (b) The California Longitudinal Teacher Integrated Data
20 Education System shall serve as the central state repository of
21 information regarding the teacher workforce in the state for
22 purposes of developing and reviewing state policy, identifying
23 workforce trends, and identifying future needs regarding the
24 teaching workforce. It shall also serve to provide high-quality
25 program evaluations, including evaluation of the effectiveness of
26 teacher preparation and induction, and to help improve professional
27 development programs. Additionally, it shall promote the efficient
28 monitoring of teacher assignments as required by state and federal
29 law.

1 (c) The California Education Information System shall not
2 include the names, social security numbers, home addresses,
3 telephone numbers, or e-mail addresses of individual teachers.

4 (d) Data in the California Education Information System shall
5 not be used in violation of any state or federal law that is intended
6 to protect an individual's right to privacy or the confidentiality of
7 an individual's personal information.

8 (e) Notwithstanding any other provision of law, data in the
9 California Education Information System, solely or in conjunction
10 with data from any other data system, may be used for purposes
11 of evaluating teachers and administrators and making employment
12 decisions, only if these decisions comply with Section 3543.2 of
13 the Government Code.

14 (f) The California Longitudinal Teacher Integrated Data
15 Education System shall be used to accomplish both of the following
16 goals:

17 (1) Provide a means to evaluate all of the following:

18 (A) The effectiveness of teacher preparation programs,
19 including, but not limited to, traditional fifth-year programs,
20 university internship programs, and district-sponsored internship
21 programs.

22 (B) Teacher workforce issues, including mobility, retention,
23 and attrition.

24 (2) Streamline and improve the effectiveness and timeliness of
25 assignment monitoring as required by the federal No Child Left
26 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and by state law.

27 (3) Enable local educational agencies to monitor teacher
28 assignments on demand.

29 (g) For purposes of implementing this chapter, including the
30 legislative intent expressed in subdivision (b) of Section 10600,
31 the system shall include all of the following information:

32 (1) Age profiles of teachers in the workforce.

33 (2) Projections of the number of retirees in the education system
34 over the next 10 years throughout the state.

35 (3) Identification of subject matter fields that have the severest
36 shortage of teachers.

37 (4) Geographic distribution of teachers by credential type.

38 (5) Present patterns of in-service education for teachers.

39 (6) Teacher performance data required under federal law.

(h) The Commission on Teacher Credentialing and accredited teacher preparation programs shall participate in the system by providing available data regarding enrollment in credential programs, credentials issued in each specialization, and certificated persons in each specialty who are not employed in education, and by collaborating with the department in the design and preparation of periodic reports of teacher supply and demand in each specialty and in each geographic region of the state.

(i) The California Longitudinal Teacher Integrated Data Education System shall do all of the following:

(1) Utilize and maximize use of existing teacher databases.

(2) Maintain longitudinally linked data without including the names of teachers.

(3) Comply with all state and federal confidentiality and privacy laws.

(j) The Superintendent shall convene a working group to provide advice and guidance on the development and implementation of the system. The group shall include, but is not limited to, representatives from the Commission on Teacher Credentialing, the Department of Finance, the Secretary for Education, the Legislative Analyst's Office, the Employment Development Department, and representatives of local educational agencies, postsecondary educational institutions, researchers, teachers, administrators, and parents.

(k) The operation of the California Longitudinal Teacher Integrated Data Education System is contingent upon the appropriation of funds for purposes of this section in the annual Budget Act or other legislation.

SEC. 2. Section 10804 of the Education Code is amended to read:

10804. (a) The State Chief Information Officer appointed pursuant to Section 11545 of the Government Code shall convene a working group representing, at a minimum, the state board, the Superintendent, the Chancellor of the California Community Colleges, the University of California, the California State University, and any other governmental entities that collect, report, or use individual pupil education data that would become part of the comprehensive education data system. The State Chief Information Officer shall form an advisory committee to the working group that includes school and district administrators,

1 teachers and faculty, education program providers, policymakers,
2 researchers, parents, and pupils.

3 (b) The working group convened pursuant to this section shall
4 create a strategic plan to link education data systems from all
5 segments and to accomplish all of the following:

6 (1) Provide an overall structural design for the linked education
7 data systems.

8 (2) Examine current state education data systems.

9 (3) Examine the protocols and procedures to be used by state
10 agencies in data processing, including, but not limited to,
11 collecting, storing, manipulating, sharing, retrieving, and releasing
12 data so as to enable each state agency to accurately and efficiently
13 collect and share data with the other state agencies while complying
14 with all applicable state and federal privacy laws.

15 (4) Identify specific procedures and policies that would be
16 necessary to ensure the privacy of pupil record information so as
17 to meet both federal requirements and the higher expectations of
18 privacy held by the state.

19 (5) Include interagency agreements to facilitate the transfer of
20 data from one segment to another and ultimately to include linkages
21 to workforce data.

22 (c) The strategic plan shall be delivered by the State Chief
23 Information Officer to the Legislature and the Governor on or
24 before January 15, 2010, or the effective date of the act amending
25 this section during the 2009–10 Fifth Extraordinary Session,
26 whichever date is later.

27 (d) This section may be implemented using federal grant funds
28 received pursuant to the American Recovery and Reinvestment
29 Act of 2009 (Public Law 111-5) through that act's provision of
30 funds for statewide data systems under the federal Education
31 Technical Assistance Act (20 U.S.C. Sec. 9601 et seq.).

32 SEC. 3. Section 47602 of the Education Code is amended to
33 read:

34 47602. (a) In the 1998–99 school year, the maximum total
35 number of charter schools authorized to operate in this state shall
36 be 250. In the 1999–2000 school year through the 2008–09 school
37 year, inclusive, an additional 100 charter schools are authorized
38 to operate in this state each successive school year. Commencing
39 with the 2009–10 school year, there shall be no limitation on the
40 number of charter schools authorized to operate in this state. For

1 the purposes of implementing this section, the state board shall
2 assign a number to each charter petition that it grants pursuant to
3 subdivision (j) of Section 47605 or Section 47605.8 and to each
4 charter notice it receives pursuant to this part, based on the
5 chronological order in which the notice is received. Each number
6 assigned by the state board shall correspond to a single petition
7 that identifies a charter school that will operate within the
8 geographic and site limitations of this part. The state board shall
9 develop a numbering system for charter schools that identifies
10 each school associated with a charter. For purposes of this section,
11 sites that share educational programs and serve similar pupil
12 populations may not be counted as separate schools. Sites that do
13 not share a common educational program shall be considered
14 separate schools for purposes of this section.

15 (b) A charter petition shall not be granted under this part that
16 authorizes the conversion of a private school to a charter school.
17 A charter school shall not receive any public funds for a pupil if
18 the pupil also attends a private school that charges the pupil's
19 family for tuition. The state board shall adopt regulations to
20 implement this section.

21 SEC. 4. Section 47604.7 is added to the Education Code, to
22 read:

23 47604.7. (a) It is the intent of the Legislature to ensure that
24 California has high-quality charter schools.

25 (b) The Superintendent shall convene a working group to make
26 findings and recommendations to the Legislature and the Governor
27 regarding all of the following:

28 (1) The adequacy of existing processes for authorizing,
29 renewing, revoking, or not renewing charter schools. For this
30 purpose, the group shall review existing statutes and regulations
31 and the degree to which the authority granted is adequate to ensure
32 high quality, and the degree to which that authority is exercised.

33 (2) The extent to which the state's charter schools receive
34 equitable funding compared to traditional public schools, and a
35 commensurate share of local, state, and federal program and
36 revenue sources.

37 (3) The extent to which the state provides charter schools with
38 facilities funding to lease facilities, purchase facilities, or make
39 tenant improvements, assistance with facilities acquisition, access
40 to public facilities, the ability to share in bonds and other supports,

1 and the extent to which the state does not impose any
2 facility-related requirements on charter schools that are stricter
3 than those applied to traditional public schools.

4 (c) The working group shall include representatives of the
5 department, state board, Department of Finance, Assembly and
6 Senate staff, county offices of education, local charter school
7 authorizers, representatives of traditional public schools and
8 independent charter schools, parents, community groups, and other
9 stakeholders as the department, in consultation with the Office of
10 the Secretary for Education, deems appropriate.

11 (d) The working group shall, on or before December 1, 2010,
12 submit recommendations to the Governor and the Chairpersons
13 and Vice Chairpersons of the Assembly and Senate Committees
14 on Education for dissemination to the members of those
15 committees.

16 SEC. 5. Article 10 (commencing with Section 48350) is added
17 to Chapter 2 of Part 27 of Division 4 of Title 2 of the Education
18 Code, to read:

19
20 Article 10. Open Enrollment Act
21

22 48350. This article shall be known, and may be cited, as the
23 Open Enrollment Act.

24 48351. The purpose of this article is to improve educational
25 achievement and to enhance parental choice in education by
26 providing additional options to pupils to enroll in public schools
27 throughout the state without regard to the residence of their parents.

28 48352. For purposes of this article, the following definitions
29 apply:

30 (a) “Low-performing school” means a public school in program
31 improvement that is also ranked in any of deciles 1 to 3, inclusive,
32 of the Academic Performance Index and identified in the 2008–09
33 school year by the Superintendent pursuant to Section 52055.605.
34 Commencing with the 2013–14 fiscal year and every third year
35 thereafter, the list of schools ranked in deciles 1 to 3, inclusive,
36 shall be updated for this purpose based on the most current
37 Academic Performance Index rankings.

38 (b) “Parent” means the natural or adoptive parent or guardian
39 of a dependent child.

1 (c) “School district of enrollment” means a school district other
2 than the school district in which the parent of a pupil resides, but
3 in which the parent of the pupil nevertheless intends to enroll the
4 pupil pursuant to this article.

5 (d) “School district of residence” means a school district in
6 which the parent of a pupil resides and in which the pupil would
7 otherwise be required to enroll pursuant to Section 48200.

8 48353. The state board shall adopt emergency regulations to
9 implement this article.

10 48354. (a) The parent of a pupil enrolled in a low-performing
11 school may submit an application for the pupil to attend a school
12 in a school district of enrollment pursuant to this article.

13 (b) (1) Consistent with the requirements of Section
14 1116(b)(1)(E) of the federal No Child Left Behind Act of 2001
15 (20 U.S.C. Sec. 6301 et seq.), no later than the first day of the
16 school year, the district of residence shall provide the parents and
17 guardians of all pupils enrolled in a school identified in subdivision
18 (a) of Section 48352 with notice of the option to transfer to another
19 public school served by the school district of residence or another
20 school district.

21 (2) An application requesting a transfer pursuant to this article
22 shall be submitted by the parent of a pupil to the school district of
23 enrollment prior to January 1 of the school year preceding the
24 school year for which the pupil is requesting to transfer. The school
25 district of enrollment may waive the deadline specified in this
26 paragraph.

27 (3) The application deadline specified in paragraph (2) does not
28 apply to an application requesting a transfer if the parent, with
29 whom the pupil resides, is enlisted in the military and was relocated
30 by the military within 90 days prior to submitting the application.

31 (4) The application may request enrollment of the pupil in a
32 specific school or program within the school district of enrollment.

33 (5) A pupil may enroll in a school in the school district of
34 enrollment in the school year immediately following the approval
35 of his or her application.

36 (6) In order to provide priority enrollment opportunities for
37 pupils residing in the school district, a school district of enrollment
38 shall establish a period of time for resident pupil enrollment prior
39 to accepting transfer applications pursuant to this article.

1 48355. (a) The school district of residence of a pupil or a
2 school district of enrollment to which a pupil has applied to attend
3 may prohibit the transfer of the pupil pursuant to this article or
4 limit the number of pupils who transfer pursuant to this article if
5 the governing board of the district determines that the transfer
6 would negatively impact either of the following:

- 7 (1) A court-ordered desegregation plan of the district.
- 8 (2) The racial and ethnic balance of the district.

9 (b) A school district of residence shall not adopt any other
10 policies that in any way prevent or discourage pupils from applying
11 for a transfer to a school district of enrollment.

12 48356. (a) A school district of enrollment may adopt specific,
13 written standards for acceptance and rejection of applications
14 pursuant to this article. The standards may include consideration
15 of the capacity of a program, class, grade level, or school building.
16 Subject to subdivision (b), and except as necessary in accordance
17 with Section 48355, the standards shall not include consideration
18 of a pupil's previous academic achievement, physical condition,
19 proficiency in the English language, sex, national origin, or race.

20 (b) In considering an application pursuant to this article, a
21 nonresident school district may apply its usual requirements for
22 admission to a magnet school or a program designed to serve gifted
23 and talented pupils.

24 (c) Subject to the rules and standards that apply to pupils who
25 reside in the school district of enrollment, a resident pupil who is
26 enrolled in one of the district's schools pursuant to this article shall
27 not be required to submit an application in order to remain enrolled.

28 (d) A school district of enrollment shall ensure that pupils
29 enrolled pursuant to standards adopted pursuant to this section are
30 selected through a random, unbiased process that prohibits an
31 evaluation of whether or not the pupil should be enrolled based
32 on his or her individual academic or athletic performance, except
33 that pupils applying for a transfer pursuant to this article shall be
34 assigned priority for approval as follows:

35 (1) First priority for the siblings of children who already attend
36 the desired school.

37 (2) Second priority for pupils transferring from a program
38 improvement school ranked in decile 1 on the Academic
39 Performance Index identified pursuant to subdivision (a) of Section
40 48352.

(3) Third priority for pupils transferring from a program improvement school ranked in decile 2 on the Academic Performance Index identified pursuant to subdivision (a) of Section 48352.

(4) Fourth priority for pupils transferring from a program improvement school ranked in decile 3 on the Academic Performance Index identified pursuant to subdivision (a) of Section 48352.

(5) If the number of pupils who request a particular school exceeds the number of spaces available at that school, a lottery shall be conducted in the group priority order identified in paragraphs (1) to (4), inclusive, to select pupils at random until all of the available spaces are filled.

(e) The initial application of a pupil for transfer to a school within a school district of enrollment shall not be approved if the transfer would require the displacement from the desired school of any other pupil who resides within the attendance area of that school or is currently enrolled in that school.

(f) A pupil approved for a transfer to a school district of enrollment pursuant to this article shall be deemed to have fulfilled the requirements of Section 48204.

48357. Within 60 days of receiving an application pursuant to Section 48354, a school district of enrollment shall notify the applicant parent and the school district of residence in writing whether the application has been accepted or rejected. If an application is rejected, the school district of enrollment shall state in the notification the reasons for the rejection.

48358. A school district of enrollment that enrolls a pupil pursuant to this article shall accept credits toward graduation that were awarded to the pupil by another school district and shall graduate the pupil if the pupil meets the graduation requirements of the school district of enrollment.

48359. (a) Each school district is encouraged to keep an accounting of all requests made for alternative attendance pursuant to this article and records of all disposition of those requests that may include, but are not limited to, all of the following:

(1) The number of requests granted, denied, or withdrawn. In the case of denied requests, the records may indicate the reasons for the denials.

(2) The number of pupils who transfer out of the district.

1 (3) The number of pupils who transfer into the district.

2 (b) The information maintained pursuant to subdivision (a) may
3 be reported to the governing board of the school district at a
4 regularly scheduled meeting of the governing board.

5 SEC. 6. Article 5 (commencing with Section 52065) is added
6 to Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education
7 Code, to read:

8
9 Article 5. Accountability Measures for the Persistently Lowest
10 Performing Schools
11

12 52065. (a) By February 1, 2010, or the effective date of this
13 article, whichever is later, the Superintendent shall make
14 recommendations to the state board regarding all of the following:

15 (1) The criteria the Superintendent and the state board should
16 use to jointly identify public schools subject to the list required in
17 Section 52066. In making recommendations regarding these
18 criteria, or selecting schools based on these criteria, the
19 Superintendent and the state board shall only consider schools
20 currently or likely to be subject to restructuring pursuant to Section
21 1116 of the federal Elementary and Secondary Education Act (20
22 U.S.C. Sec. 6301 et seq.) in the subsequent school year. The
23 committee may also consider other objective data, including, but
24 not limited to, the results of the California Standards Test, the
25 Academic Performance Index, and dropout and graduation rates.

26 (2) The conditions that must exist for a school to be removed
27 from the list established pursuant to Section 52066.

28 (b) On or before February 1, 2010, or the effective date of this
29 article, whichever is later, the Superintendent shall make
30 recommendations on the criteria and conditions described in
31 paragraph (1) to the state board, and on or before April 1, 2010,
32 or the effective date of this article, whichever is later, the state
33 board shall approve these criteria and conditions, with any revisions
34 deemed necessary by the state board.

35 52066. (a) On or before June 1, 2010, or the effective date of
36 this article, whichever is later, and each year thereafter the state
37 board and the Superintendent, using the criteria established
38 pursuant to Section 52065, shall jointly identify the lowest
39 achieving 5 percent of the persistently lowest performing public

1 schools in the state subject to this article, except as provided in
2 subdivision (b).

3 (b) The state board and the Superintendent shall consider not
4 identifying schools under subdivision (a) that are showing
5 significant progress under existing state intervention programs, as
6 determined by the state board and the Superintendent, provided
7 that not identifying those schools is consistent with federal School
8 Improvement Grant laws and regulations.

9 (c) Within 30 days of making the determination in subdivision
10 (a), the Superintendent shall notify each local educational agency
11 responsible for oversight of a public school that is identified and
12 ensure that the governing board has provided each employee and
13 parent or guardian of a child enrolled or requesting to be enrolled
14 in a school identified in subdivision (a) the notices required by
15 both of the following:

16 (1) Section 1116(b)(7)(E) of the federal Elementary and
17 Secondary Education Act (20 U.S.C. Sec. 6301 et seq.).

18 (2) Section 1116(b)(8)(C) of the federal Elementary and
19 Secondary Education Act (20 U.S.C. Sec. 6301 et seq.).

20 52067. (a) Upon identifying a school pursuant to Section
21 52066, the Superintendent and the state board shall direct the local
22 educational agency responsible for each identified school to
23 evaluate the reasons for the determination and approve in a public
24 hearing at least one of the locally developed renewal efforts
25 specified in Section 1116(b)(8)(B)(i), (ii), or (iii) of the federal
26 Elementary and Secondary Education Act (20 U.S.C. Sec. 6301
27 et seq.).

28 (b) For the high schools identified in subdivision (a) of Section
29 52066, the renewal efforts shall focus primarily on significant
30 annual increases toward a four-year graduation rate goal of 90
31 percent, as calculated pursuant to subparagraph (A) of paragraph
32 (4) of subdivision (a) of Section 52052. The evaluation required
33 in Section 52068 shall include an assessment of the efficacy of
34 any strategies employed to increase graduation rates at each of the
35 identified high schools.

36 (c) If a school identified pursuant to subdivision (a) of Section
37 52066 is a charter school, the Superintendent shall recommend
38 revocation of the charter to the state board pursuant to subdivision
39 (c) of Section 47604.5.

1 (d) No later than 90 days after receipt of a recommendation for
2 revocation pursuant to subdivision (c), the state board shall hold
3 a public hearing to consider the revocation of the charter.

4 52068. The department shall contract for an independent
5 evaluation of the program established by this article. The costs of
6 the evaluation shall be paid for from federal funds appropriated to
7 the department. The evaluation shall determine whether this
8 program has been effective in improving pupil achievement and
9 shall identify components of successful school renewal. The
10 evaluation shall be submitted, no later than March 1, 2015, to the
11 Chairpersons of the Joint Legislative Budget Committee, the
12 Assembly Committee on Budget, the Senate Committee on Budget
13 and Fiscal Review, the Assembly Committee on Education, the
14 Senate Committee on Education, the Governor, and the Director
15 of Finance.

16 SEC. 7. Section 60900 of the Education Code is amended to
17 read:

18 60900. (a) The department shall contract for the development
19 of proposals which will provide for the retention and analysis of
20 longitudinal pupil achievement data on the tests administered
21 pursuant to Chapter 5 (commencing with Section 60600), Chapter
22 7 (commencing with Section 60810), and Chapter 9 (commencing
23 with Section 60850). The longitudinal data shall be known as the
24 California Longitudinal Pupil Achievement Data System.

25 (b) The proposals developed pursuant to subdivision (a) shall
26 evaluate and determine whether it would be most effective, from
27 both a fiscal and a technological perspective, for the state to own
28 the system. The proposals shall additionally evaluate and determine
29 the most effective means of housing the system.

30 (c) The California Longitudinal Pupil Achievement Data System
31 shall be developed and implemented in accordance with all state
32 rules and regulations governing information technology projects.

33 (d) The system or systems developed pursuant to this section
34 shall be used to accomplish all of the following goals:

35 (1) To provide school districts and the department access to
36 data necessary to comply with federal reporting requirements
37 delineated in the federal No Child Left Behind Act of 2001 (20
38 U.S.C. Sec. 6301 et seq.).

39 (2) To provide a better means of evaluating educational progress
40 and investments over time.

1 (3) To provide local educational agencies information that can
2 be used to improve pupil achievement.

3 (4) To provide an efficient, flexible, and secure means of
4 maintaining longitudinal statewide pupil level data.

5 (e) In order to comply with federal law as delineated in the No
6 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), the
7 local educational agency shall retain individual pupil records for
8 each test taker, including all of the following:

9 (1) All demographic data collected from the STAR Program
10 test, high school exit examination, and English language
11 development tests.

12 (2) Pupil achievement data from assessments administered
13 pursuant to the STAR Program, high school exit examination, and
14 English language development testing programs. To the extent
15 feasible, data should include subscore data within each content
16 area.

17 (3) A unique pupil identification number to be identical to the
18 pupil identifier developed pursuant to the California School
19 Information Services, which shall be retained by each local
20 educational agency and used to ensure the accuracy of information
21 on the header sheets of the STAR Program tests, high school exit
22 examination, and the English language development test.

23 (4) All data necessary to compile reports required by the federal
24 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),
25 including, but not limited to, dropout and graduation rates.

26 (5) Other data elements deemed necessary by the
27 Superintendent, with approval of the state board, to comply with
28 the federal reporting requirements delineated in the No Child Left
29 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and programs
30 implemented pursuant to the American Recovery and Reinvestment
31 Act of 2009 (Public Law 111-5), after review and comment by the
32 advisory board convened pursuant to subdivision (h).

33 Prior to the implementation of this paragraph, with respect to
34 adding data elements to the California Longitudinal Pupil
35 Achievement Data System for the purpose of complying with the
36 federal American Recovery and Reinvestment Act of 2009 (Public
37 Law 111-5), the department and the appropriate postsecondary
38 education agencies shall submit an expenditure plan to the
39 Department of Finance detailing any administrative costs to the
40 department and costs to any local educational agency, if applicable.

1 The Department of Finance shall provide to the Joint Legislative
2 Budget Committee a copy of the expenditure plan within 10 days
3 of receipt of the expenditure plan.

4 (6) To enable the department, the University of California, the
5 California State University, and the Chancellor of the California
6 Community Colleges, to meet the requirements prescribed by the
7 federal American Recovery and Reinvestment Act of 2009 (Public
8 Law 111-5), these entities shall be authorized to obtain quarterly
9 wage data, commencing July 1, 2010, on students who have
10 attended their respective systems, to assess the impact of education
11 on the employment and earnings of those students, to conduct the
12 annual analysis of district-level and individual district or
13 postsecondary education system performance in achieving priority
14 educational outcomes, and to submit the required reports to the
15 Legislature and the Governor. The information shall be provided
16 to the extent permitted by federal statutes and regulations.

17 (f) The California Longitudinal Pupil Achievement Data System
18 shall have all of the following characteristics:

19 (1) The ability to sort by demographic element collected from
20 the STAR Program tests, high school exit examination, and English
21 language development test.

22 (2) The capability to be expanded to include pupil achievement
23 data from multiple years.

24 (3) The capability to monitor pupil achievement on the STAR
25 Program tests, high school exit examination, and English language
26 development test from year to year and school to school.

27 (4) The capacity to provide data to the state and local educational
28 agencies upon their request.

29 (g) Data elements and codes included in the system shall comply
30 with Sections 49061 to 49079, inclusive, and Sections 49602 and
31 56347, with Sections 430 to 438, inclusive, of Title 5 of the
32 California Code of Regulations, with the Information Practices
33 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title
34 1.8 of Part 4 of Division 3 of the Civil Code), and with the federal
35 Family Education Rights and Privacy Act (20 U.S.C. Sec. 1232g),
36 Section 1242h of Title 20 of the United States Code, and related
37 federal regulations.

38 (h) The department shall convene an advisory board consisting
39 of representatives from the state board, the Secretary for Education,
40 the Department of Finance, the State Privacy Ombudsman, the

1 Legislative Analyst's Office, representatives of parent groups,
2 school districts, and local educational agencies, and education
3 researchers to establish privacy and access protocols, provide
4 general guidance, and make recommendations relative to data
5 elements. The department is encouraged to seek representation
6 broadly reflective of the general public of California.

7 (i) Subject to funding being provided in the annual Budget Act,
8 the department shall contract with a consultant for independent
9 project oversight. The Director of Finance shall review the request
10 for proposals for the contract. The consultant hired to conduct the
11 independent project oversight shall twice annually submit a written
12 report to the Superintendent, the state board, the advisory board,
13 the Director of Finance, the Legislative Analyst, and the
14 appropriate policy and fiscal committees of the Legislature. The
15 report shall include an evaluation of the extent to which the
16 California Longitudinal Pupil Achievement Data System is meeting
17 the goals described in subdivision (d) and recommendations to
18 improve the data system in ensuring the privacy of individual pupil
19 information and providing the data needed by the state and school
20 districts.

21 (j) This section shall be implemented using federal funds
22 received pursuant to the No Child Left Behind Act of 2001 (20
23 U.S.C. Sec. 6301 et seq.), which are appropriated for purposes of
24 this section in Item 6110-113-0890 of Section 2.00 of the Budget
25 Act of 2002 (Chapter 379 of the Statutes of 2002). The release of
26 these funds is contingent on approval of an expenditure plan by
27 the Department of Finance.

28 (k) For purposes of this chapter, a local educational agency shall
29 include a county office of education, a school district, or charter
30 school.

31 SEC. 8. (a) The Governor, the Superintendent of Public
32 Instruction, and the State Board of Education shall jointly develop
33 a single high-quality plan or multiple plans, in collaboration with
34 participating local educational agencies, as necessary, to submit
35 as part of a Phase 1 application for federal Race to the Top funds,
36 authorized under the federal American Recovery and Reinvestment
37 Act of 2009 (Public Law 111-5). The plan or plans shall include
38 all of the following:

39 (1) Explicit and transparent criteria for identifying the lowest
40 achieving 5 percent of the persistently lowest performing schools

1 that are consistent with the federal School Improvement Grant
2 guidelines as well as the federal Race to the Top guidelines.

3 (2) Strategies for turning around the persistently lowest
4 performing schools that are consistent with federal Race to the
5 Top guidelines.

6 (b) The participating local educational agencies shall first enter
7 into a memorandum of understanding with their county
8 superintendent of schools, local governing board, and head of the
9 local collective bargaining unit for teachers that meets the
10 requirements expressed in the Race to the Top final guidelines.
11 The participating local educational agencies shall then enter into
12 a memorandum of understanding with the state, and shall assist in
13 preparation of the state plan, as required in the Race to the Top
14 final guidelines.

15 SEC. 9. (a) On or before April 1, 2010, or the effective date
16 of this act, whichever is later, the Fiscal Crisis Management and
17 Assistance Team shall convene a task force for the purpose of
18 developing all of the following:

19 (1) A standardized process for the reporting of charter school
20 financial and accounting data that would be applicable to all charter
21 schools.

22 (2) A standardized process for the provision of annual
23 independent financial and compliance audits of charter schools.

24 (b) The task force shall include representatives of the Controller,
25 the Department of Finance, the State Department of Education,
26 school business officials, staff from both houses of the Legislature,
27 charter school representatives, and other stakeholders, as necessary.
28 The task force may consider whether the auditing and fiscal
29 reporting processes for traditional public schools are appropriate
30 for charter schools, or if alternative standardized methods are
31 preferable. The task force shall submit recommendations to the
32 Legislature on or before December 1, 2010, or the effective date
33 of this act, whichever is later.

34 SEC. 10. (a) The Legislature finds and declares that this act
35 is declaratory of the requirements specified in the federal guidelines
36 for the federal Race to the Top Fund. It is the intent of the
37 Legislature that, to the extent that the federal guidelines are revised,
38 the state plan or plans also be revised accordingly.

39 (b) The agreements necessary for local educational agencies to
40 fulfill the requirements of this act may be accomplished using

1 memorandums of understanding between individual local
2 educational agencies and the state.

3 SEC. 11. If the Commission on State Mandates determines
4 that this act contains costs mandated by the state, reimbursement
5 to local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

8 ~~SEC. 12. This act is an urgency statute necessary for the~~
9 ~~immediate preservation of the public peace, health, or safety within~~
10 ~~the meaning of Article IV of the Constitution and shall go into~~
11 ~~immediate effect. The facts constituting the necessity are:~~

12 ~~In order to make the necessary statutory changes to ensure the~~
13 ~~state's eligibility for an incentive grant from the federal Race to~~
14 ~~the Top Fund, it is necessary that this act take effect immediately.~~

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